

**FORTY-SEVENTH LEGISLATURE
FIRST SESSION, 2005**

February 28, 2005

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
HOUSE BILL 436

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, strike lines 19 through 21 in their entirety.
2. Reletter the succeeding subsections accordingly.
3. On page 2, line 17, strike "The" and insert in lieu thereof "Subject to the provisions of Subsections G, H and I of this section, the".
4. On page 2, line 24, strike "The" and insert in lieu thereof "Subject to the provisions of Subsections G, H and I of this section, the".
5. On page 3, line 2, after the period insert:

"In the event that the settlement, judgment or award received by the recipient from a liable third party is provided pursuant to a contract of insurance, the department shall serve notice of the assignment or lien on the insurer at least fifteen days prior to the payment of the settlement, judgment or award."
6. On page 3, line 16, strike the ending quotation marks.
7. On page 3, between lines 16 and 17, insert the following new subsection:

"I. The district court shall have jurisdiction to grant equitable relief from the operation of the statutory lien created by this section."

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Respectfully submitted,

Joseph Cervantes, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Beam, Martinez, Stewart

Absent: Youngberg

.157146.1

.156752.1

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